

Notice of Allowability

Application No.

10/091,439

Examiner

Cynthia Hamilton

Applicant(s)

KUNITA ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 3-8, 2004 and Telephone interview of June 16, 2004.
2. ☒ The allowed claim(s) is/are 1-12, 15-19.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

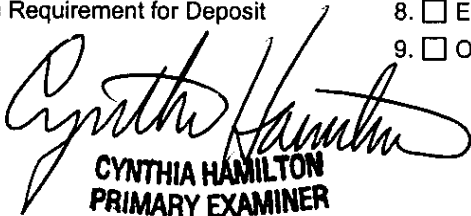
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/8/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date same as this paper.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CYNTHIA HAMILTON
PRIMARY EXAMINER

Cynthia Hamilton
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Mukai on June 16, 2004.

This amendment is made to replace the non compliant amendment to the specification submitted by applicants on March 8, 2004. The amendment filed on March 8, 2004 is considered non-compliant because it fails to meet the requirements of 37 CFR 1.121, as revised June 30, 2003, effective July 30, 2003 (see 68 Fed. Reg. 38611) because the amendment to the specification at page 13 amends a line only which is not one of the sanctioned methods of amendment to the specification. Thus, the examiner has marked the amendment to the specification as unentered due not compliance. The amendment to the claims was fully compliant and was entered. The amendment below is the same in content as submitted by applicants on March 8, 2004.

Substance of interview is set forth below:

Mr. Mukai was informed that the amendment to the specification submitted March 8, 2004 was not in compliance with 37 CFR 1.121 wherein on page 13 applicants had set forth amendment by line instead of full paragraph. The examiner agreed to amend the specification as desired by applicants in view of all issues with respect to allowance of the application having been resolved by applicants concurrent amendment to the claims. Since only the amendment section to the specification could not be entered as submitted the examiner agreed to amend by examiner's amendment each line to be changed. It was noted by the examiner that certain underlined portions of the specification amendment were not part of the material to be amended but were original underlined words in the original specification papers. These were to be left un touched by the examiner's amendment.

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The application has been amended as follows:

In The SPECIFICATION:

Page 12, line 2, change "phenoxypnenyl" to --- phenoxyphenyl ---.

Page 12, line 7, change "sufonatophenyl" to --- sulfonatophenyl ---.

Page 13, line 1, change "methyltiomethyl" to --- methylthiomethyl ---.

Page 24, line 7, change "calboxylato" to --- carboxylato ---.

Page 58, line 3, change " γ -butyllactone" to --- γ -butyrolactone ---.

Page 74, line 15, change "bis(tert-butylperoxyisopropyl)benzene" to

--- bis(tert-butylperoxyisopropyl)benzene ---.

Page 74, line 18, change "methatoluoyl" to --- metatoluoyl ---.

Page 145, line 11, change "quinoeimine" to --- quinoneimine ---.

Page 146, line 1, change "perynone" to --- perinone ---.

Page 147, line 2, change "attriter" to --- attritor ---.

Page 147, line 14, change "betain-type" to --- betaine-type ---.

Page 152, line 19, change "betain" to --- betaine ---.

Page 163, line 5, change "glyoxzal" to --- glyoxal ---.

Page 163, line 13, change "thioglycollic" to --- thioglycolic ---.

Page 166, last line, change "pluran" to --- pullulan ---.

Page 174, fourth line from the bottom of the page, change "alminate" to

--- aluminate ---.

Page 175, line 13, change "alminate" to --- aluminate ---.


Page 177, line 10, change "tetrahydroxyfuran" to --- tetrahydrofuran ---.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Hamilton whose telephone number is 571-272-331. The examiner can normally be reached on Monday-Friday, 9:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CYNTHIA HAMILTON
PRIMARY EXAMINER

June 16, 2004

Cynthia Hamilton
Primary Examiner
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